

BRB No. 04-575
Case No. 01-LHC-2866
OWCP No. 05-0109695

JOHNNY R. WHITMORE)	
)	
Claimant-Respondent)	
)	
v.)	
)	DATE ISSUED: <u>7/27/04</u>
MCLEAN CONTRACTING)	
)	
Employer-Petitioner)	ORDER

By letter dated July 15, 2004, employer informed the Board that the parties reached a settlement in the above captioned case and requests that this case be remanded.

Section 8(i)(1), of the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. §908(i)(1), provides for the approval of such settlements by the district director or administrative law judge. Accordingly, consistent with this Section, the Board grants the motion, dismisses employer's appeal, and remands this case to the Office of the District Director for further appropriate action.

In the event the proposed settlement is not approved and the petitioner wishes review of the merits of this appeal, the Board will reinstate the appeal at the request of the petitioner. 33 U.S.C. §921(b)(4), 20 C.F.R. §802.405(a).

ROY P. SMITH
Administrative Appeals Judge

REGINA C. McGRANERY
Administrative Appeals Judge

BETTY JEAN HALL
Administrative Appeals Judge